

REMARKS/ARGUMENTS

The Examiner has made various objections to the pending claims, and in particular, to Claims 1, 3, 4, 6, 7, 8, 10, 18, 34, 36, 37, 45, 57, 69, 70, and 71. However, the Examiner also stated that Claims 2, 13, 15, 19, 21, 22, 24, 28, 37, 43, and 55 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, Applicant's representatives have amended all pending claims in a manner believed to overcome the Examiner's objections.

Claim 1 Rejection:

Claim 1 has been amended to include all the limitations of "one or both of" Claim 19 and Claim 28 which were indicated would be allowable if rewritten in independent form. That is, the following text has been added to Claim 1:

wherein one or both of:

- (1) said [DJD22] desired article includes one of: jeans, a pair of pants, and an overall, and
- (2) said [DJD23] extended post extends through a fabric when said device is attached to the desired article.

Note that limitation (1) above is from Claim 19, and limitation (2) above is from Claim 28. However, it is worth noting that the phrase "an opening" in Claim 28 appears to be unnecessary, and accordingly is not provided in condition (2) above. If the Examiner thinks the phrase "an opening" from Claim 28 is necessary, it is requested that the Examiner contact the undersigned Applicant representative.

The amendments to Claim 1 are also believed to overcome the Examiner's objections to Claim 1. In particular, the following describes how the Examiner's objections are overcome:

- (a) Regarding the Examiner's (paragraph 1 of the previous Office Action) objection that limitation (ii) of Claim 1 recites limitations concerning the extended post, the objectionable wording of limitation (ii) has been placed in a separate "wherein" paragraph immediately following the limitations (i) – (iii). Note, this placement is

believed to straightforwardly provide an appropriate antecedent basis for all terms in this new “wherein” paragraph.

(b) Regarding the Examiner’s (paragraph 2) objection to the phrase “said post”, this phrase has been amended to “said extended post” as the Examiner suggests.

(c) Regarding the Examiner’s (paragraph 3) objection to the phrase
“whereby said shoulder includes (i) through (iii) following:”,
the Examiner suggests amending it to
--whereby said shoulder includes:--.

The Examiner’s suggestion has been followed. Moreover, the Examiner suggests that similar phrases be amended correspondingly in other claims. The Examiner’s suggestion has been followed.

(d) Regarding the Examiner’s (paragraph 4) objection to Claim 1, the Examiner asserts that both the post and the shoulder are recited as having a “traverse extent”, and accordingly the Examiner suggests clarifying the claim language by substituting the appropriate one of the phrases: “extent traverse of the shoulder”, and “traverse extent of the first end”. Applicant’s representatives note that only the extended post is described as having a “traverse extent”. The “shoulder” is recited as having an “extent traverse to said length”. However, Applicant’s representatives have attempted to follow what is believed to be the intent of the Examiner’s suggestion. In particular, the phrase “extent traverse” has been changed to -- extent of the shoulder traverse--, and the phrase “said traverse extent” has been changed to – said traverse extent of the first end--.

(e) Regarding the Examiner’s (paragraph 5) objection to Claim 1, the Examiner suggests the paragraph:

“wherein at least (a) and (b) following are attached to each other prior to said device being affixed to the desired article: (a) said shoulder, and (b) said first end of said post wherein said first end has a traverse extent to said

length, wherein said traverse extent is at least as large as any other post extent that is perpendicular to said length;”

be changed to:

--wherein at least said shoulder and said first end of said extended post are attached to each other prior to said device being affixed to the desired article, wherein said first end has a traverse extent to said length, said traverse extent of the first end is at least as large as any other post extent that is perpendicular to said length;--

The Examiner’s suggestion has been taken.

Thus, it is believed that Claim 1 is now in condition for allowance.

Claims Dependent Upon Claim 1:

Claims 2-8, 16-20, 23-25, 28-35, and 68-69 are dependent upon Claim 1. Each of these claims have been amended to overcome the Examiner’s objections. Accordingly, it is believed that these claims are now allowable. In particular, Claim 2 has been amended to remove the phrase “said article” objected to in paragraph 6 of the Examiner’s Office Action, and Claim 34 has been amended to overcome the paragraph 8 and 9 objections of the Office Action.

Claim 10 Rejection:

Claim 10 has been amended to include additional limitations for identifying what the desired article can be (e.g., a garment, a belt, a purse, an item of luggage, a backpack, jeans, a pair of pants, and an overall). Note that these additional limitations are from both Claim 13 and Claim 15 which the Examiner stated would be allowable if rewritten in independent form. However, note that a “backpack” was also added to this list of what the desired article can be. The list of desired articles from Claim 55 (which was only objected to) includes backpacks.

Moreover, as suggested by the Examiner, all occurrences of “said post” have been changed to --said extended post--. Additionally, the wording of the Claim 10 paragraph:

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“wherein at least (1) and (2) following are attached to each other prior to and throughout said device being affixed to the desired article: (1) at least an entirety of said post from said first end to approximately said aperture, and (2) said shoulder;”

has been changed to:

--wherein at least (1) an entirety of said extended post from said first end to approximately said aperture, and (2) said shoulder are attached to each other prior to and throughout said device being affixed to the desired article;--.

Note that this last change is believed to correspond to the change the Examiner suggested for Claim 1 in paragraph 5 of the Office Action.

Accordingly, it is believed that Claim 10 is now in condition for allowance.

Claims Dependent Upon Claim 10:

Claims 11-12, 21-22, 26-27, 36-44 are pending and are also dependent upon Claim 10. Of these dependent claims, the Examiner has objected to Claims 11, 36, and 37. The Examiner's (paragraph 6) objection to Claim 11 has been addressed as the Examiner suggests.

Regarding the objections to Claims 36 and 37, the Examiner states that:

“Claims 36 and 37 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. ...”

However, it is believed that Claims 36 and 37 do further limit Claim 10. In particular, Claim 10 includes within its scope:

- Devices that satisfy Claim 10 limitation (a) and **not** limitation (b),
- Devices that satisfy Claim 10 limitation (b) and **not** limitation (a), and
- Devices that satisfy **both** Claim 10 limitations (a) and (b).

Claim 36 recites that limitation (a) is required, and accordingly is more limiting than Claim 10 since the combined limitations of Claim 10 and 36 would **not** have within their scope a device that satisfies the limitation (b) and does **not** satisfy the limitation (a).

Similar reasoning can be applied to the Examiner's objection of Claim 37. Moreover, it is believed to be common practice to provide **alternative** limitations within, e.g., an independent

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claim, and within a claim dependent therefrom, restrict such alternative limitations to a smaller group of the limitations, thereby **narrowing** the claim scope. Thus, it is respectfully requested that the Examiner withdraw this objection. However, to further clarify that (a) and (b) of Claim 10 are alternatives, Claim 10 now has the wording “**one or both of**” preceding the limitations of (a) and (b).

Claim 57 Objection and Rejection:

The Examiner has objected to Claim 57 stating that the Examiner believes the limitation “prevents movement of said hole along said length” should be “prevents movement of said extended post along said length”. The Examiner’s suggestion has been taken with appreciation.

The Examiner has rejected Claim 57 under USC §102(b) as being anticipated by Parsons (U.S. Patent No. 5,667,441). In particular, the Examiner states that the desired article may be identified as the combination of a hollow handle 14 and a capped end 16 of Parsons’ concealable baton 10.

Claim 57 has been amended to recite that the desired article is within the list of: an item of clothing, a belt, a purse, a backpack, and an item of luggage. Accordingly, since the Parsons’ combination of handle 14 and capped end 16 is not identified within this list, it is believed that Claim 57 is now allowable.

Claims Dependent Upon Claim 57:

Claims 58-67 are dependent upon Claim 57. It is believed that all the Examiner’s objections to various ones of these claims have been addressed. Thus, Claims 58-67 are believed to be allowable at least due to their dependence upon patentable Claim 57.

Claims 70 and 71 Objection and Rejection:

The Examiner has objected to Claims 70 and 71 (in the Examiner’s Office Action paragraph 3), stating that phrases such as “(i) and (ii) following” should be removed from the claims. It is believed that Claims 70 and 71 have been amended to overcome the Examiner’s objection.

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The Examiner has rejected Claims 70 and 71 under USC §102(b) as being anticipated by Parsons (U.S. Patent No. 5,667,441). The Examiner states that the desired article may be identified as the combination of a hollow handle 14 and a capped end 16 of Parsons concealable baton 10.

Claims 70 and 71 have been amended to recite that the desired article is within the list of: an item of clothing, a belt, a purse, a backpack, and an item of luggage. Accordingly, since the Parsons' combination of handle 14 and capped end 16 is not identified within this list, it is believed that Claim 57 is now allowable.

New Claims:

New Claims 72-75 have been provided, wherein each of these claims is a combination of limitations that the Examiner stated would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In particular, Claim 72 combines the limitations of Claims 1 and 2. Claim 73 combines the limitations of Claims 10, 41, and 43. Claim 74 combines the limitations of Claims 10 and 22. However, note that since the limitations of Claim 22 only apply to (b) of Claim 10, Claim 74 does not include the limitation (a) of Claim 10 as an alternative to the limitation (b) of Claim 10. Finally, Claim 75 combines the limitations of Claims 10 and 37.

Thus, it is believed that each of the new Claims 72-75 is patentable.

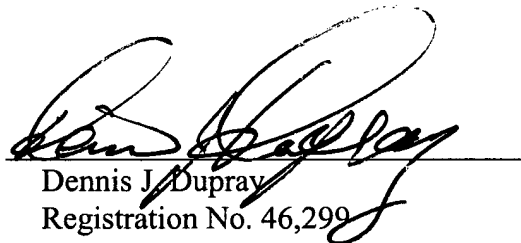
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Since all claims are now believed to be in condition for allowance, it is requested that the present application be reconsidered and promptly be allowed to proceed to issuance. Applicant's representative believes that no additional fees are due in connection with the filing of this paper, other than the fee of \$215.00 for a two (2) month extension, and a fee of \$185.00 for the addition of 4 new independent claims and 1 new claim over the previous total of 69 claims (70 total claims are presented herein). However, in the event that fees are due, please debit Deposit Account No. 19-1970.

Respectfully submitted,

SHERIDAN ROSS P.C.

By:



Dennis J. Dupray
Registration No. 46,299
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
(303) 863-9700

Date

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